

UNITED STATES DISTRICT COURT

for the

District of Utah



Capana Swiss Advisors AG, et al.

Plaintiff

v.

Rymark, Inc. et al.

Defendant, Third-party plaintiff

v.

Shaen Bernhardt, et al.

Third-party defendant

Civil Action No. 2:23-cv-00467-TS-CMR

SUMMONS ON A THIRD-PARTY COMPLAINT

To: *(Third-party defendant's name and address)* ASHLEY MIRON LESHEM
8018 Mizner Ln
Boca Raton, FL 33433

A lawsuit has been filed against defendant Ashley Miron Leshem, who as third-party plaintiff is making this claim against you to pay part or all of what the defendant may owe to the plaintiff Rymark, Inc., et al.

Within 30 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff and on the defendant an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the defendant or defendant's attorney, whose name and address are:

Chad S. Pehrson (cpehrson@kba.law), Robert P. Harrington (rharrington@kba.law), Stephen Richards (srichards@kba.law)
KB&A (801-994-4646)
50 West Broadway, Ste 1000, Salt Lake City, T 84101

It must also be served on the plaintiff or plaintiff's attorney, whose name and address are:
Eric A. Christiansen (echristiansen@parsonsbehle.com), Hannah J. Ector (hector@parsonsbehle.com)
Parsons Behle & Latimer, 201 South Main St, Ste 1800, Salt Lake City, UT 84111 (801-532-1234)
Sara E. Diamond (sediamond@veneble.com) Venable LLP, 2049 Century Park East Ste 2300, Los Angeles, CA 90067 (310-229-9900)

If you fail to respond, judgment by default will be entered against you for the relief demanded in the third-party complaint. You also must file the answer or motion with the court and serve it on any other parties.

A copy of the plaintiff's complaint is also attached. You may — but are not required to — respond to it.

Date: 09/18/2024



Gary P Serdar

CLERK OF COURT

Signature of Clerk or Deputy Clerk

Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* ASHLEY MIRON LESHEM and the Complaint
was received by me on *(date)* January 9, 2025.

☒ I personally served the summons on the individual at *(place)* Redcon 1 Gym, 990 S. Rogers Circle, Boca Raton, FL 33487 in the parking lot on *(date)* 1/13/25 at 12:54 p.m. or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____, a person of suitable age and discretion who resides there, on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is designated by law to accept service of process on behalf of *(name of organization)* _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: January 13, 2025



Server's signature

John McKinney

Printed name and title

8305 Mills Dr., #511, Miami, FL 33183

Server's address

Additional information regarding attempted service, etc:

I saw Mr. Leshem exit the gym and walk to a blue Alfa Romeo bearing FL tag JRAJ89 which is registered to Ashley Miron Leshem. He is a white male, black hair who appeared to be in his 60s wearing blue sweat pants, gray t-shirt and a black jacket with sunglasses. He walks with a limp. He entered the driver's side and closed the door. I made contact with him at this time and inquired if he was Ashley Leshem? He said yes. I informed him that I was there to serve him with a Summons and Complaint. He accepted the paperwork which was endorsed by me with the date and my initials.